AFTER FINAL

TO: : **Examiner Joseph David Anthony**

Fax No. : **571-273-8300**

FROM : **Robert D. Watson, Reg. No. 45,604**
Sandia National Laboratories
(505) 845-3139 (Voice)

Application No. 10/623,370

Applicant: Tucker

Title: *Decontamination Formulation with Sorbent Additive*

Filing Date: 07/18/2003

Art Unit 1714

Examiner Anthony, Joseph David

Docket No.: SD-7250.1

Date : **07/24/2006**

Number of Pages (Including Cover Sheet) 14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	10/623,370
Applicant:	Tucker
Title:	*Decontamination Formulation with Sorbent Additive*
Filing Date:	07/18/2003
Art Unit	1714
Examiner	Anthony, Joseph David
Docket No.:	SD-7250.1

Mail Stop AFTER FINAL
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

June 26, 2006

Response AFTER FINAL

Dear Examiner Anthony:

In response to our brief phone call today (07/24/2006), I am submitting a short response regarding the issue of lack of support for "sorbent additive" in the provisional application.

I have attached a copy of the Provisional application 60/397,424 as filed on 07/19/2002. I've also attached a copy of the Filing Receipt for the regular application 10/623,370, which confirms that the instant application ('370) claims the benefit of said provisional.

Applicants respectfully request an early decision on the present issued, because the 6-month statutory "drop dead" deadline is only 3 days away, 7/27/06.

I asked my secretary to check Private PAIR under the provisional serial number 60/397,424, and she was successfully able to view on-line the Provisional's Specification pages, which are the exact pages that I have attached here.

So, I am certain that the PTO has this file, and has the proper "links" to the instant application, etc.

Issue: Support for the genus "sorbent additive"

In the Provisional Application 60/397,424, filed 07/19/2002, on the second page (the page that starts with the word "Description" at the top), the last paragraph states:

"This TA presents a convenient method to formulate DF-200 for practical use. It uses a highly ***sorbent material*** *(sorbitol - a sugar alcohol) to* ***'dry out'*** *the liquid peroxide activator (propylene glycol diacetate or glycerol diacetate). The activator* ***becomes a free flowing powder*** *which is more convenient to handle in the field."* [emphasis added]

Applicants respectfully submit that the term "highly sorbent material" used to "dry out the liquid peroxide activator" does disclose the generic concept of using a sorbent additive in the manner as taught by the regular application ('370). For example, the '370 specification, at page 51, lines 7-20, teaches the following:

"DF-200 With **Sorbent Material** Added to **"Dry Out"** Liquid Ingredients

According to the present invention, a water-soluble, highly adsorbent **additive** is used to **"dry out"** one or more liquid ingredients of the family of DF-200 decontamination formulations, such as the liquid bleaching activator (i.e., peroxide activator) that is used for the "Part C" component of a multi-part, kit configuration (e.g., 3-part or 4-part configuration). A goal of "drying out" the liquid bleaching activator(s) is to produce a **dry, free-flowing powder** that can be placed in protective packaging with a desiccant, have an extended shelf life, be more

convenient to handle and mix in the field (as compared to handling and mixing a liquid), and not leave a residue. In this way, the sorbent material acts as a drying agent.

The process of "drying out" the liquid bleaching activator (e.g., propylene glycol diacetate or glycerol diacetate) is not really an evaporation process as it is commonly understood. Rather, the present invention uses a **sorbent additive that absorbs and/or adsorbs (i.e., at room temperature) substantially all of the liquid activator to produce a powdered, free-flowing product that is easier to handle."**

[emphasis added]

Applicants use the words "sorbent additive" and "sorbent material" interchangeably throughout the '370 application.

In both the provisional application, and the regular application, applicants have consistently followed the style of placing an example of a suitable material in-between parentheses ( ), to indicate an example. Specifically, in the provisional, the text says "highly sorbent material (sorbitol - a sugar alcohol)". This means that sorbital is an example of a sorbent material, with "sugar alcohol" being another example. There is nothing in the disclosure of the Provisional that explicity limits the sorbent material to only be sorbitol.

In summary, applicants submit that the '424 Provisional application **fully supports** the teaching of a "sorbent additive", as it is used and claimed in the '370 regular application.

Therefore, because *Tadros '192* was published **less than 1 year** prior to applicant's effective filing date of 07/19/2002, *Tadros '192* is not a proper "102(b) type" reference for use in 103(a) rejections.

The Amendment after Final mailed June 26, 2006 remains exactly as submitted, with no changes.